

NUMBER Opinion No. 295
DATE December 30, 1982
REQUESTER Senator Tom Vickers
Member of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator:

OPINION This is in reply to your inquiry concerning proposed amendments to the Weed Eradication and Control Act.

Specifically you have asked how far a local administrative agency, such as a weed control authority, may go in assessment and collection of fines.

From our examination of your proposed amendments, your intent appears to be to make the failure to control noxious weeds a continuing misdemeanor, subject to a fine of up to \$50.00 per day. This provision for a penalty appears to be not withstanding, and in addition to, the penalty provided in § 2-963.

In answer to your specific question, we are not aware of any authority for an administrative agency to assess and collect fines for the violation of provision of our laws. When a violation of provisions of our statutes occur, it is the responsibility of the county attorneys to initiate a complaint and only the courts have authority to impose fines and penalties, as provided by law.

SIGNED Very truly yours,
PAUL L. DOUGLAS
Attorney General
Bernard L. Packett
Assistant Attorney General

